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WHILE COMPREHENSIVE PLANNING IS MANDATORY PRIOR TO PASSAGE OF ANY ZONING ORDINANCES, ZONING IN RURAL AREAS IS RELATIVELY NEW. ALTHOUGH MANY CONTROVERSIAL ISSUES ARISE DURING PLANNING, THE FACT REMAINS THAT THE BENEFITS ARE GREATER WHEN ZONING IS PROPERLY PLANNED AND EXECUTED. PROPERTY OWNERS OBJECT IN MANY INSTANCES TO PROBLEMS THAT MAY ARISE, SOME IMAGINED AND OTHERS REAL. TO AVOID THIS THE PUBLIC MUST BE EDUCATED BY ITS LOCAL CITIZENRY, SINCE ANY NEW TYPE CONTROLS ARE FEARED, ESPECIALLY IF OUTSIDERS ADMINISTER PROGRAMS. SPECIALISTS NEED TO ASSIST IN PLANNING PROGRAMS BUT MUST BE PRIMARILY ADVISERS. THE FUTURE OF RURAL ZONING IS LIMITLESS IN ITS IMPORTANCE. (WN)

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RURAL ZONING

PEOPLE, PROPERTY, and PUBLIC POLICY

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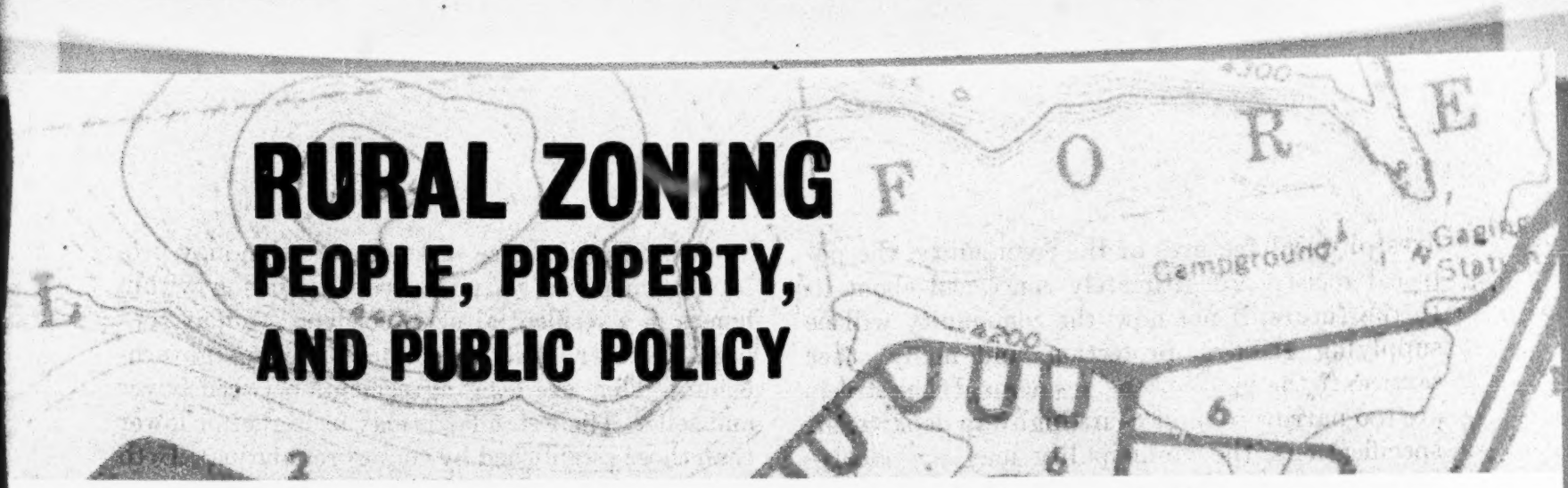

RURAL ZONING
PEOPLE, PROPERTY, AND PUBLIC POLICY

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INTRODUCTION

Interest in rural zoning grew in response to the rapid shifts in land use since the end of World War II. In this period we've seen almost unbelievable growth of suburbs around cities of all sizes. Areas that had always been wholly rural have been invaded and occupied by large populations with their homes, factories, and shopping centers.

This growth, largely unplanned, has provided employment, made new human resources available to communities, improved the home environment of many people, and changed both the physical and political landscape. In its wake it has also left dissatisfaction and frustration. In some places it has brought exaggerated demands for government services, increasing and often inequitable taxes, and rampant ugliness.

These problems have stimulated interest in methods which may guarantee more rational and systematic development of land. One suggested solution is rural zoning—that is, controls on land use which are effective outside municipal boundaries through the efforts of counties or towns.

Zoning in rural areas is relatively new. It dates from the 1930's, but didn't start to become popular until the mid-1940's. The objectives of rural zoning have changed considerably since it was first tried, and it has extended to almost all States. Not only has it become more sophisticated and more scientific, but it relies much more upon citizen participation.

Zoning is a legal method whereby local government regulates land use for the public benefit. In this process, a zoning ordinance divides the affected area into districts. Within those districts, it regulates the use of land and the density of population. The ordinance consists of a text and a map.

Zoning is initiated or enacted by local governments acting under the police power of the State. This is the power to act to protect and promote the health, safety, general welfare, and morals of the public. Like their other uses of the police power, local governments may zone only if the State has delegated such authority through passage of a State enabling act.

Although it is perhaps the most widely known and widely misunderstood method to control the use of land, zoning is but one of several such methods. It is related to *comprehensive planning*, *subdivision regulations*, *building codes*, and *deed restrictions*. Because of the similar subject matter with which they deal, these are often confused with zoning.

Comprehensive planning should precede passage of a zoning ordinance, though it often doesn't. Comprehensive planning is based upon a thorough study of the physical, human, and economic resources of the community, whether it be county, town, or township. Based upon accumulated data, projections of growth or decline are made for all possible factors. With this information available, citizen advisory groups choose among possible goals and select means to reach them. Zoning is one method the community can use.

Subdivision regulations guide and control the process of laying out land into lots and developing it for sale. Because the arrangement of lots

fixes physical features of the community, the political society is legitimately concerned about it. In the future, if not now, the community will be supplying utilities, protection, and many other services to the subdivisions' residents. If the streets are too narrow to meet State highway department specifications, the municipality may not receive State assistance when it assumes maintenance responsibilities. If the land is built up solidly in houses or apartments, there may not be adequate open space for parks and schools. A good many people have bought houses in a particular subdivision because a wooded area along a stream was to be a park and playground "when the subdivision is completed." Within a year or two they have been surprised to see houses springing up in the "park." Then they find that the promise was only implied and not legally binding. But it helped to sell houses!

Subdivision regulations vary, but generally provide advance controls over the layout and width of streets, the location and provision of utilities, the adequacy of waste disposal systems, and the reservation of space for future public use. Like zoning, subdivision regulations were first used by municipalities, but they have been adopted by counties and towns. In effect, they are a form of specialized zoning, dealing with residential uses of land. Unlike zoning, they don't provide for a transition to other uses. A unique form of subdivision regulation is the mobile home ordinance, developed to fit areas with concentrations of semipermanent residents.

Building codes, too, are sometimes confused with zoning because both deal with provisions relating to health. They regulate the quality of residential, commercial, and industrial buildings by setting minimum standards for the material used and for the methods of construction. Building codes may seem to overlap zoning and subdivision regulations, as in waste disposal systems. However, their interest and objectives generally differ. Building codes usually regulate the type of pipes, connections, and septic tanks used; zoning regulates the size of the lot where septic tanks are used and their location on the lot. They don't compete, but complement each other. Either may be used without the other.

Private deed restrictions are occasionally confused with zoning because both attempt to control land use. For instance, a deed restriction may prohibit commercial activities from operating within homes in a residential neighborhood; so may zoning. However, deed restrictions are not governmental. They are legal agreements between buyer and seller. Their standards may be higher or lower than those established by zoning regulations. Both deed restrictions and zoning ordinances are enforceable in the courts. Only beneficiaries under provisions of the deed may initiate an action against a violation. Depending on how the deed is worded, this may be the subdivider, a homeowners' association, any land purchaser, or their heirs or assigns. A violation of a zoning ordinance calls for either a public official or an injured private citizen to take action.

Rural and urban zoning: Since the term "zoning outside municipal boundaries" is awkward, we'll use "rural zoning" in this discussion. Rural zoning grew out of municipal zoning; the question arises —how different are they? Basically, they are very similar, but the problems of application are different. Natural resources and the possible uses that can be made of them are of greater concern in rural zoning. Zoning for large cities is complex, reflecting the complicated, interdependent environment. So is zoning for a county or counties which, though largely rural, are fast changing to urban. On the other hand, zoning for a town of 15,000 population will be similar to the system employed for an agricultural county.

People may regard urban zoning and rural zoning differently. Urban zoning has the authority of tradition. It has been in effect in most cities for three or four decades. Finding it in operation, people accept it. This is not so for rural zoning. It represents change, unsettling the tradition of using one's land as he wishes. Too, it operates on a major frontier of land speculation and development. If it isn't opposed, neither is it greeted enthusiastically.

There has been both great interest in and strong support for rural zoning, but its use has not expanded uniformly. In Wisconsin, 60 to 72 counties have zoning ordinances. Texas has no county zoning and no enabling legislation. Other States rank in between. There's no doubt that rural zoning hasn't "caught on." Despite the factors in its favor, more counties and towns don't have it than do.

A good many experts have suggested that rural

zoning would be a useful tool for more counties and towns to employ. This study attempted to find out why it hasn't been more widely adopted. Questions were asked of Cooperative Extension personnel and of others who have been identified as leaders either for or against rural zoning. As a result of their answers, this publication attempts to point up common misconceptions about rural zoning, why people oppose or don't support zoning, and what factors seem to determine whether rural zoning will be adopted or maintained.

Many people assisted the writer in gathering information for this publication. Cooperative Extension specialists provided background information, plus references to stories of "success" or "failure" in zoning, through personal interviews, by telephone, and on detailed questionnaires. Other information was secured from seven directors or staff members of State planning agencies.

Information concerning local situations was provided by 60 county agents from many States, by planning directors and zoning administrators, and by 25 members of county or town governing bodies.

Citizen supporters and opponents of rural zoning assisted too. Supporters in half a dozen States filled out questionnaires and 12 opponents answered questionnaires. Opposition leaders in two widely separated States cooperated in intensive personal interviews. The writer appreciates the efforts of busy people to search their files and their memories and give factual accounts and analyses.

RURAL ZONING: WHAT IT CAN AND CANNOT DO

Before looking at the more controversial aspects of rural zoning, let's look at what zoning can do and what it can't. Some of rural zoning's supporters have claimed more for it than they should. Likewise, some of its opponents have denied its real or potential accomplishments.

At its best, rural zoning can:

- help protect agricultural operations by controlling the leapfrog movement of residential subdivisions into farming areas, with their consequent damage to water tables, water supplies, machinery, and crops;
- help avert the limitations on normal farming operations (hours of machinery operation, use of insecticides, use of sewage lagoons for disposal of livestock waste) which have followed residential movement into farming communities;
- help "keep the lid on" farm property taxes which have been forced up disproportionately by urban sprawl with its swiftly rising public costs;
- keep farming communities from being dumping grounds for everything from garbage to businesses which are trying to avoid municipal regulation;
- protect individual property owners from future harmful or undesirable uses of adjacent property;
- protect the public's property from inconsistent or harmful uses, as the location of a truck terminal next to a high school;
- assist community economic growth by helping to reserve adequate and desirable sites for industrial, recreational, and commercial use;
- increase safety on streets and reduce congestion by requiring offstreet parking areas and building setbacks;
- make a safer community with easier access for police and fire vehicles through minimum space requirements;
- create a healthier community through density standards which guarantee adequate light and air and discourage future slum development;
- prevent excessive future private and public costs for extensive flood damage through flood plain zoning, restricting low lying lands to uses which will not be impaired by flooding;
- make a community more attractive, with adequate recreation space, by preserving open space and natural terrain features;
- serve as a tool of planning and development

to help keep down future public costs for utilities and public services;
- protect the peace and quiet of future residential neighborhoods from the noise, traffic, and lights of commercial development;
- protect future industry from harrassment by residential neighbors whose objections to its noise or odors might bring on lawsuits; and
- help control and concentrate the businesses which collect and process or destroy garbage, trash and used materials.

On the other hand, rural zoning cannot:

- correct past mistakes in land use which have resulted in inconsistent uses of neighboring properties;
- assure that a community will perpetually retain the land uses originally assigned to it under zoning;
- maintain a productive area in agriculture, close to aggressively expanding urban development;
- guarantee the owner of a $100,000 house that he will not have a house of much less value built on the next lot;
- establish higher esthetic and development standards for a community than the general community desires;
- guarantee the soundness of structures built in a zoned district;
- succeed in a rapidly changing community if it isn't based on planning;
- be of great value to a community where land use hasn't been changing for several years and where it doesn't seem likely to change (but such counties and towns are in a definite minority);
- abate a public nuisance, if the business which is polluting air or water or disturbing by excessive noise is operating within a district zoned for that activity;
- be an effective tool for resource management without coordination with neighboring zoning bodies (for instance, flood plain zoning along a river or stream which meanders through 21 governmental units);
- be effective through an ordinance alone, without systematic and sympathetic administration; or
- guarantee that its adoption will be followed by industrial or commercial development.

MISCONCEPTIONS ABOUT ZONING: BOTH SIDES

Misconceptions and misunderstandings about rural zoning make it difficult to consider and discuss rationally and objectively.

Most public issues are complex, and zoning is no exception. Not many people really study such issues to get all the information possible before making up their minds. A good number get their knowledge from random discussions and hearsay.

Zoning sometimes becomes an emotion-laden issue. An emotional approach doesn't encourage people to solve problems by viewing all sides and balancing alternatives. Under such pressure, misconceptions multiply.

Objective and understandable information about zoning isn't generally available to rural people. Much of rural zoning is not clearly understood by either its friends or its foes.

It is worthwhile to examine some of the more common misconceptions about zoning. Since one or two misconceptions will emerge in any major public discussion of zoning, let's take them as we may hear them in a rural community.

FOR: "We need zoning to get rid of these eyesores—the junkyards and honky-tonks in our residential areas."

Unfortunately, zoning won't remove these problems. Even if the area is zoned entirely residential, the junkyards and night spots will stay as nonconforming uses. They must be permitted to continue in operation, although a few States now authorize the local government to "phase them out" within a reasonable period. Nonconforming uses may not expand.

A zoning ordinance isn't retroactive. It can't undo damage which has been done.

AGAINST: "So they think they'll put zoning in this county, do they? Let them pass it and they'll find out it's unconstitutional!"

Comprehensive zoning within city limits in the United States is only a little over half a century old. Its increasing use was followed by legal challenges on many points, including its constitutionality. In 1926, the Supreme Court of the United States upheld the zoning ordinance of an Ohio city. It held that the restrictions of a zoning ordinance neither deprived the owner of unimproved land of his liberty and his property without due process of law, nor denied him equal protection of the law. The Court held that the police power of a State, under which zoning regulations were enacted, was sufficient to permit such regulation. In this decision the Supreme Court followed previous decisions of State courts.

Of course, a particular enactment of a zoning ordinance may be unconstitutional, or its application may bring it under such a bar. The key question is, "Is this particular regulation reasonable?"

FOR: "If we adopt a zoning ordinance for this county, there'll be no auto junkyards, slaughterhouses, or cheap trailer parks within its borders."

Unless our speaker lives in a country where the only resource is natural beauty, he's probably aiming too high. Every year, we in the United States junk about 6 million automobiles, and they have to be stored somewhere until they're scrapped. Until research turns up a faster way to convert them into usable materials, they'll present a storage problem. Our growing mountains of garbage and trash can't just be wished away either. They have to be buried or burned somewhere. (Today's aluminum cans and plastic bottles are more permanent than earlier forms of refuse.)

Slaughterhouses are useful too, for those of us who like meat. And trailer parks, whether "cheap" or expensive, provide short- or long-term home sites for millions of Americans.

All of these activities and many more are necessary. The issue is not that of prohibiting them, but of providing room for them to fit into a whole community. Thus zoning can protect all possible property values. Banning such activities from a county doesn't eliminate them. They may move into adjoining unzoned counties or towns where their effects can still be felt.

AGAINST: "If zoning is adopted in this county, you won't even be able to build your own house."

Zoning isn't concerned with who builds a house. But unless it's a farm home, the plans must fit within the zoning district, for single-family residences, apartments, and so forth. The house may be so poorly built that it blows over in the first spring gale and the zoning administrator can't do a thing about it!

Zoning is sometimes confused with building codes. Each is an application of the police power of the State. Zoning is concerned with the use of land, the minimum size of lots, restrictions on height, size and set-back of buildings, and population density. A building code sets minimum standards for building, plumbing, and electrical materials. A county may have zoning without a building code, a building code without zoning, or both—or neither.

FOR: "We need to zone this county so that it will always remain as it is for our children and grandchildren."

In the first place, a zoning ordinance isn't intended to be perpetual. It establishes land-use districts and provides for a systematic method of making changes as the community grows older. Such rezoning takes place after a public hearing. This provides flexibility.

We live in a time of change. Zoning may make land-use changes more gradual and systematic.

AGAINST: "Zoning affects the people, and the people ought to vote on zoning before it's put into effect."

In many cases opponents to zoning object to its being put into effect by the board of supervisors

or county commissioners. They argue that the people themselves should decide. They may believe a popular vote will defeat zoning. This has some appeal because there are people who aren't necessarily against zoning who feel that it is only right to be able to vote on it.

Some State laws do provide for a referendum. In Ohio, a zoning ordinance can't go into effect until a majority of those in the affected rural area who vote on the issue approve it. South Dakota required that 60 percent of the landowners involved approve. Most other States make no provision for a public vote. The State law may not permit a referendum. Other local ordinances passed under police power are not subject to a referendum either Health regulations are an example.

Nearly all zoning enabling legislation requires public hearings before an ordinance is enacted and before rezoning action. A public hearing allows anyone to state his case. It doesn't require the governing body to do what most of the people who attend want it to, however.

FOR: "I'm for zoning and we need it. But let's not go through a lot of fuss and expense for it. Why can't we just get a copy of Blue County's ordinance and use it?"

This is a cut-rate or lazy approach. It may be neither economical nor effective. Other ordinances may not be a good model. The Blue County ordinance may not even fit Blue County, let alone some other place.

A zoning ordinance should be tailored to fit. Use districts have to be applied on the ground. This can be done only after study. For instance, a county crossed by an interstate highway needs zoning districts different from a rural county with no major roads.

Perhaps most important, such an approach ignores the needed participation of the people. Those who are using and may use land should be consulted. They may have reason to be dissatisfied with an ordinance designed for another situation.

AGAINST: "The only one who benefits from zoning is the big man. The little guy doesn't get anything out of it but restrictions."

Although a well-to-do person may lead the opposition to zoning, the bulk of the people against it often come from the lower side of the economic scale. This argument—designed to appeal to lower income people—says that "the big man" benefits from zoning. This probably assumes that he will know how to "operate" in order to get favorable decisions on the use of his property. But where does the "little guy" stand without zoning? What can he do if a truck terminal is built next to his own home? If he thinks it's a nuisance, he has to hire a lawyer and pay for a trial which he may lose. If the adjoining property has been zoned residential, he has a regular and inexpensive channel for his objections. When the property is up for rezoning, he and his neighbors may go to the public hearing and speak up. His major cost will be in time and effort, not in cash. Also in his favor is the fact that it's generally harder to change something than to keep it as it is.

In any conflict between the "little man" and the "big man," the more well-to-do person has at least three advantages. First, the small property owner generally hasn't the access to information that the large owner has. He usually doesn't read the legal notices in the newspapers and may not observe the little sign on the property which advertises a "Rezoning Hearing."

Second, he may not know what to do, even if he finds out a change is proposed. This places some responsibility upon zoning officials to do more than follow the legal minimum of public notice.

Third, the big developer can hire experts—lawyers, engineers, and real estate appraisers—to argue his case for rezoning. This does give him an advantage. But we shouldn't forget that in the absence of zoning, he doesn't even have to stop for argument. He can just go ahead. Zoning provides a public forum for debate.

Thus the "little man" is being fooled if someone tells him that zoning can only hurt him. Because he is weak, comparatively, he of all people may most need the protection of zoning.

FOR: "If we get a good zoning ordinance, we can save on its administration by appointing Joe to see that it's carried out. He can do that along with keeping county records. We don't need a so-called expert."

An attitude such as this has been a stumbling block to fair and firm enforcement of many a zoning ordinance. At times, it has helped determine whether or not zoning will be continued. Getting the ordinance passed is only part of the process.

Attached to a controversial program, weak administration can kill it. Failure to enforce the zoning ordinance unites both friends and foes of zoning. Its supporters say, "If we aren't going to do it right, we might as well drop it." Its enemies say, "We told you so."

AGAINST: "Show me a fellow who's pushing zoning and I'll show you a Communist. Zoning is the first step in the plan to wreck private enterprise." Or: "When Hitler took over Germany, his first act was to zone the countryside."

This is the much used "extremist" argument. It has emotional appeal. It may impress a person who doesn't know if it's true or not

First, the "Communist" charge. Advocates of rural zoning often include members of the Chamber of Commerce, real estate dealers, and others interested in private ownership. Deeply believing in private enterprise, they would not support a program they thought would destroy their businesses.

The Communist Manifesto recommends the abolition of private property. It does not recommend that the government protect the owner of private property from being injured by an inconsistent use of adjoining lands.

Zoning is in use in most countries of Europe, both non-Communist and Communist. A modern and complex nation finds it desirable to have some control over the use of land. (Several years ago, a *New York Times* correspondent discovered that the "greenbelt" zone around Moscow contained a considerable number of summer homes in violation of land-use regulations. The administrator hadn't done his job well. Probably he gave in to pressure!)

The "Nazi" argument is equally fallacious. Land use controls were in effect in Germany long before Hitler came to power.

FOR: "Don't worry about those people who are opposing zoning. They're either crackpots or just plain fools."

You can't dismiss the opposition lightly as "crackpots."

You may feel that virtue and right are on your side. Opposition may seem to be unfounded and unjustified. However, some of it may stem from real ignorance of what zoning is all about. Or it may arise from resentment because these people have not been consulted. They deserve an explanation.

Something may be learned from the opposition. Their wishes and suggestions should be considered.

AGAINST: "If they zone this county, watch your taxes go up. Assessors will use zoning as a basis for the value they put on the tax books."

Here we find mixed issues, and they're often difficult to disentangle. If increased real estate taxes appear at about the same time as rural zoning is instituted, some people may think there's a cause and effect relationship. There is, but urbanization, urban sprawl, population pressure, and demands for public service are to blame, not zoning.

In urbanizing areas, the first impact of tax raises for new services falls to a considerable extent on farm land, because new residential and commercial property doesn't get on the taxbooks for a year or two. Farm land is already there. Urban land use may cost more in government services than its added tax value pays for.

The relationship between zoning and tax assessment isn't very direct. If it were, the argument for exclusive agricultural zoning would be heeded more often. However, the California experience is that farm land which adjoins urban development, even though zoned agricultural, will be assessed on its potential urban value.

FOR: "We've got to stop the subdividers from gobbling up our best farming land. Zoning it exclusively for agriculture will put a stop to such practices."

Exclusive agricultural zoning has been tried in the Far West. Its original objective was to save

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the flat, fertile valley land for farmers and fruit growers and from subdividers and industrial developers. As a method of keeping land in agricultural production, it has not been very successful. The reason is that as the urbanizing area approaches, land values go up, sometimes severalfold, and the farmer wants to sell. The value of 60 acres for a shopping center, factory, or subdivision far exceeds its value for farming. If the land is sold it must be rezoned from exclusive agriculture before its use may change.

Several States exempt "bona fide farms" from zoning control, but provide that their use for other purposes brings them under it. Thus, while a farm is used as a farm, it is exempt. If the owner wants to change it to nonagricultural use, rezoning is usually necessary.

Exclusive agricultural zoning has been effective in consolidating development and in stabilizing growth. Applied to a sizeable area, it encourages full use of land in urban areas and fringes. It should protect those who want to farm the urban fringe from incompatible neighbors and skyrocketing taxes. It can permit gradual and orderly transition from rural to urban uses—as one Californian put it, to provide "an orderly retreat for agriculture." Much more than this shouldn't be expected from it.

AGAINST: ***"If the rural areas of this county are zoned, you can't dig a well or put in a septic tank without asking the zoning administrator."***

Zoning is related to health, and zoning ordinances and health regulations are both passed under the police power of the State. The disposal of human waste, and its possible contamination of residential or community water supplies, is a matter of public concern. The adequacy of a septic tank, for instance, is related to the percolation of the soil and its absorption rate. If septic tanks are used where people also get water from wells, the health of residents depends on regulating the distance of each well from a septic tank field and on stipulating a minimum lot size.

Consider the plight of several hundred people who bought lots in a rural coastal county. Each lot was only half the size necessary for the operation of a septic tank under health department regulations. The county had neither subdivision regulations nor zoning. It was quite a shock to the first property owner who applied for a permit from the county health department. To dig a well and tie his plumbing to a septic tank, he needed two lots!

Subdivision regulations and zoning can prevent such problems. Health department regulations may be brought to bear only after the damage is done.

FOR: ***"The people who are moving into these new subdivisions are not like the original people who lived on farms around here. We can either zone to prohibit residential areas or require the lots to be so big that they can't afford them."***

People in a rural community may not want an influx of population. "Old" residents may fear that families with many children will raise school taxes a lot and the property tax base only a little.

Some communities have instituted residential zoning with low density standards, for instance, by requiring one acre per single-family house. This of course means fewer people moving in than otherwise, and the larger lot size screens out lower income families. A few communities have gone in for "snob zoning" by requiring a minimum of 5 acres for each single-family residence. In general, the larger minimum lot sizes can withstand legal challenges, but tend to encourage leapfrog development.

If the community is on the fringe of a metropolitan region, rising land prices will eventually increase the pressure to rezone.

People who emphasize zoning as a means of keeping others out are "accentuating the negative." They should see zoning as a means of assuring a better environment for all citizens.

AGAINST: ***"Zoning is O.K. for a changing community, but this one won't change. We trust our neighbors. They aren't going to sell their land. Everyone around here wants to stay here and keep the neighborhood like it is."***

So I said to them, "Why do we need zoning? This neighborhood won't change. None of our neighbors are going to sell their land."

This statement was made in the spring of 1962 in a community 8 miles from a city of 100,000 people and almost on the shoreline of a proposed 32,000-acre lake. Four years later several large subdivisions were crowding the edge of the same community.

Many of the people who say, "Don't zone now, wait till something happens," are sincere. They can't foresee the speed of change.

Others really believe that their neighbors won't sell their land. Particularly where land is unproductive and sales have been few, an appearance of stability exists. They forget that the doubling of land values makes sellers of people who had never intended to move. As the price goes up, resistance to selling goes down. With such chances of sudden wealth, few people are concerned about what use will be made of their land or what effect it will have on their neighbors. They take their money and move.

Populations change. People die. The land is left to heirs who have moved away and may not wish to return. To them, a sale is a quick solution to their inheritance problem. Or a man is offered a better job a hundred miles away. He leaves. People grow older and move to live with children. One characteristic of most American communities, rural and urban, is the mobile population. Mobility increases with proximity to expanding metropolitan areas.

AGAINST: "This is supposed to be a free country. Don't let anyone tell you that you don't have a God-given right to do whatever you please with your own property."

Such absolute rights have never existed in any organized society. The Common Law defined nuisances and provided that they could be abated and abolished by court order. Such nuisances were odors, noise, vibrations, or risk of fire or explosion. In this century, prior to zoning ordinances, courts held that amusement parks, mortuaries, and filling

stations became nuisances when located in a residential neighborhood.

The nuisance doctrine was ineffective on two counts. First, until a nuisance comes into being, it cannot be challenged and abated. Second, the burden of seeking court action is upon the injured party, a difficulty for people who haven't much money. A zoning ordinance is enforced by the public and its officers, thus relieving the individual of responsibility and cost.

The idea that one could do as he pleased with his property, without regard to effects upon others, is not historically sound. Traditionally, private property could be used by its owner as he saw fit as long as its use didn't harm others. As society has become more industrialized and urbanized, what we do has more effect upon others than in a purely rural society.

AGAINST: "This zoning foolishness all comes out of that big city crowd. They're trying to take government away from the people. And back of them is some big money from somewhere."

This attack blames interest in zoning on a mysterious group of people from the "big city." It focuses on fear of the remote and unknown. Support for zoning is hinted as coming from strange and alien places, from people of great wealth providing financial backing for planning and zoning.

Occasionally attacks specify a target such as "the 1313 crowd in Chicago." The 1313 Center for Public Administration is a focal point for the research, educational, and publication activities of a dozen organizations devoted to better government through better training of public employees.

None of these organizations agrees with the statement supposedly made by President Andrew Jackson in the 1820's: "The tasks of government are so simple that any good citizen can carry them out."

AGAINST: "They tell you that farms are exempt from zoning controls. That's a lot of malarkey. You just try and sell some land for lots and see what happens to you. They'll yell that you're violating zoning regulations!"

This may be an intentional attempt to mislead people, but it's often a sincere misunderstanding. Many States exempt "bona fide farms" from zoning control, but provide that their use for other purposes brings them under it.

Thus, while a farm is used as a farm, it is exempt. When the owner wants to change it to nonagricultural use, it isn't a farm any more.

This legislative exclusion of farms is an attempt to reduce farmer opposition to zoning.

"Of course your tax bill is higher. You can't expect all these people to live here without necessary services."

REASONS FOR CONTROVERSY

In most cases where rural zoning has been proposed, it has been adopted and accepted with little or no objection. However, the arguments and flaring tempers which have swirled around some zoning proposals have attracted more attention and probably led to further opposition elsewhere.

Well-intentioned supporters of zoning have been shocked at the intense opposition it has aroused. Believing that zoning was desirable, and assuming that other people would agree, they have not been prepared for a debate.

The possibility of heated discussion has prevented some people from even talking about zoning. They were afraid of making enemies among their neighbors. The possibility of controversy has also inhibited educational programs. One county agent commented, "Zoning is too hot for me. People get all wrought up about it, and I'm afraid it'll kill my other programs."

The fact that controversy may swirl around rural zoning is no reason to shy away from considering it. Only by asking questions and checking the answers can citizens learn what zoning can and cannot do. Like other public policy issues, such as consolidation of school units and city annexation laws, zoning needs impartial study. Zoning legislation provides that debate will be in a public forum and according to public rules.

Supporters tend to think that zoning is a good thing, that its benefits are self-evident. The opponents of zoning, too, may tend to make up their minds before they understand the problem. They

may be so against zoning that when it is adopted, they refuse to join in discussions about their community and its future.

Why has rural zoning been the center of so much controversy? There are reasons: (1) It asks one person or a few to forgo speculative gain for the benefit of other people; (2) the costs of not zoning are not always readily apparent; and (3) the professional roles of the planner and the zoning administrator arouse added opposition from people who believe strongly in locally elected government.

POSSIBLE SPECULATIVE GAIN

Unlike the use of eminent domain to convert private property to public use for just compensation, zoning does not authorize reimbursement of property owners. This is perhaps a major reason for opposition to zoning. Many people don't have definite plans, but one man thinks he *might* sell off a few building lots, another *might* want to establish a garage and a repair shop in his machine shed, or another *might* be lucky enough to sell his land for commercial or industrial use.

At a time when land use is changing rapidly in many areas and ownership is shifting, many people feel that zoning may affect them adversely. Outside of metropolitan fringes, rural zoning won't restrict the vast majority of property owners, but they aren't sure that it won't.

Zoning does ask some people to sacrifice the added value they might secure from selling their land for a particular use if such use would affect the property of others adversely. For instance, without zoning, a subdivision of neat homes may spring up in a 40-acre wooded pasture. Suddenly the residents discovered that the 5 acres across the road have been sold for a bituminous asphalt plant. With zoning, this land probably would not have been zoned heavy industrial and the owner's opportunities for selling his 5 acres would have diminished. His sale price would have been less, but so would his neighbors' losses.

COSTS NOT APPARENT

The negative effects of inconsistent land uses can be seen and measured in declining property values. However, the positive benefits aren't as apparent, and frequently people aren't aware that zoning deserves credit for maintaining an attractive and functional community. The impression grows, "We wouldn't want that to happen, but it can't happen here."

The failure to plan and to zone has costs, but these are usually not calculated or publicized. Economic and statistical measures of alternative land uses and their costs and benefits are fairly well developed at only a few locations. People in most unplanned and unzoned communities don't realize that they are paying far more and getting less.

Mounting flood losses in many parts of the nation have recently alerted us to the immense deferred costs of building on flood plains. In the last three decades, we have crowded industries, shopping centers, and housing developments into areas which were known to be susceptible to flooding. Nevertheless, they made good building sites, and when the "50-year flood" came, the costs were shared by the occupants and the taxpayers. All too seldom is the question raised—why were expensive and permanent buildings located there?

Less dramatic, but nevertheless costly, are the location of schools and hospitals away from their potential clientele, the hemming in of airports by subdivisions, and the pollution of water supplies.

MISTRUST OF PROFESSIONAL ADMINISTRATORS

The assumption that zoning would probably be planned and administered by non-"home-town boys" makes it less inviting to many people. Having been brought up to believe that the work of local government should be performed by locally elected officials, they view the trend toward the professional government appointee with suspicion. They fear zoning developed and administered by someone who "doesn't understand the local situation."

Thus rural zoning becomes controversial, not so alone because of its impact, but because it is related to another controversy—that of the elected amateur versus the appointed professional. This debate "rubs off" on zoning, bringing added arguments and opponents.

WHY PEOPLE OPPOSE ZONING

If you are trying to help the community identify and grapple with its land use problems, you will have more success if you understand why people oppose zoning. Generally, wide citizen participation and frank communication can minimize opposition. However, occasionally, the opposition will harden.

There seem to be at least five fundamental reasons why people don't support, or object to rural zoning: *Inertia*, *self-interest*, *lack of information*, *rejection of authority*, and *belief in less government*.

INERTIA

Often, both supporters and opponents of zoning are relatively few but active. The majority of citizens are truly "in the middle"—they neither support nor oppose zoning and see no need to get involved. Both sides consider them as potential allies.

Some people avoid expressing a point of view with which they think others may disagree. They say, "I don't take part in politics," or "I don't like arguments." Also in this group is the person who expresses quiet agreement with the objectives of zoning, but is not motivated to actively support it.

An expression of inertia toward planning and zoning probably exists mainly because they see no need for such activities. They don't observe community problems of blight, ugliness, wasted resources, incompatible land use, and lack of coordination of public facilities. Having neither seen the problems nor been alarmed by proposed solutions, the controversy passes them by.

People who are neutral about zoning may feel insecure because they don't know much about it. It is a complicated matter, and they don't know where or how to get information.

Inertia may be another way of saying, "My self-interest is not involved. I don't feel threatened because we don't have zoning." The temporary resident, the person who is involved in several other problems, and the person who doesn't "want to get involved" may feel this way.

Inertia may operate to the benefit of either side. A vigorous, enthusiastic, and free-swinging campaign may not draw the people in the middle into the fight, but may neutralize them. In a few cases, the intensity of feeling has discouraged attendance at public hearings by people who were "lukewarm" or were trying to learn something. To many, the gain from supporting zoning is not evident; they can see no harm if it is not adopted. On the other hand, supporting it may involve needless risks of antagonizing friends and neighbors, and for the businessman, possible loss of customers. We need not be surprised at the choice of many—to do nothing.

In the past, too many supporters have started with a solution—zoning, when many people haven't noticed the existence of a problem. (There is the story of the glib young politician, of whom his opponent said, "That boy's got more solutions than there are problems to!") Through study, citizens can discover numerous problems.

SELF-INTEREST

The person who objects to zoning may believe that it will harm or hinder him either by increasing his costs or by reducing the income he otherwise might receive. (Self-interest is also a motive for supporting zoning. A man may think that zoning will increase the value of his property or prevent a decrease.)

Self-interest is seldom expressed openly as a reason for opposition or support of zoning. People rationalize their stand in all sorts of ways. Someone once said, "When a man says, 'It's not the money, it's the principle of the thing,' you know it's the money."

At times, opponents stay in the background, but "stir up" other people and let them carry the fight. In one southern county, several small billboard companies hired a lawyer to fight zoning, but they never openly took part. To the public, it appeared to be a contest between farmers and the city people who wanted zoning, but it was not that entirely. Probably few of the farmers who had been alerted to the "dangers" of zoning realized that

they were carrying the fight for the billboard companies.

People for whom self-interest is a strong motive for opposing zoning may be identified by their past actions regarding other land use controls. Five miles beyond the edge of a large southern city, a small contractor-developer laid out and built 20 houses during a summer and fall. The new owners were pleased and proud of their attractive homes. In late winter, their pride turned to sorrow and anger. Heavy rains covered the lots with water. Every house had at least 6 inches of water covering the floor for several days. Water had stood on this land every spring in past years, but the homeowners had not been there then. They turned on the builder who raised a hue and cry, demanding that the county drain the area to "protect homeowners." If he felt any responsibilty for their plight, he didn't show it!

Two years later, when the same county held public hearings on proposed subdivision regulations, the same contractor-builder was the chief opponent. He denounced the regulations as interfering with the "right of people to live where and how they choose." He did not mention that either zoning or subdivision regulations might have prevented him from building 20 houses in an area which was periodically flooded. Later, he also opposed zoning in the county.

An industrial plant which has been built in a rural area to avoid municipal regulation may oppose zoning. With a byproduct of fumes, dust, noise, or waste dumped into a stream, its owners may view any new regulation as a threat. They may oppose zoning, but remain in the background.

In general, most owners of factories in rural areas and most developers do not oppose zoning They realize that if it is carefully drawn up and administered, it will be an advantage to the community. They also know how to "live with it." They have the money to employ experts to interpret and to apply regulations to their business. They also have experts who can attend public hearings and they do not hesitate to propose changes to a zoning ordinance while it is being developed.

One major problem of public regulation, including zoning, is its impact upon and reaction from small businessmen and part-time enterprisers. They function in a world where increasing regulations demand more paperwork. Managers of small building firms and owners of family-operated companies may feel that zoning requirements demand too much of them. With the husband drawing plans, arranging loans, and supervising workmen and the wife keeping records, ordering materials and paying bills, they feel they can't afford to spend time at zoning hearings. To them zoning regulations provide another straw piled on the camel's sagging back. Thus they object to zoning instinctively. With it, they have to comply or suffer penalties. Without it, they will have one less problem area.

Many businessmen, including real estate dealers, support rural zoning, and usually the business community is not in the opposition camp. However, both the "fast buck" developer or the industrial firm seeking to avoid regulation will probably oppose any effort to regulate land use. A plea to join in zoning for the "general good of the community" will fall on deaf ears.

For the small developers and landowners who fear zoning will rob them of opportunities, an answer seems to lie in endless patience and tact on the part of government officials, and their sympathetic ear. There should be an educational campaign to explain again and again the goals, procedures, and problems of planning zoning. Education may go as far as it did in one county planning office, where an old lady had her inadequate subdivision plan redrawn at no charge by the staff.

LACK OF INFORMATION

Some people agree to new proposals without question; others almost automatically reject them; but some say, "Show me!" They are willing to listen, but the reasons for doing something new and different have to be laid out for them to see and examine; the reasons "have to make sense." Their point is "We don't mind doing something we've never done, or that may require extra effort or money, but we want to know why." To be told, "Never mind, it is good for you and the community," is not enough.

Complicated procedures and requirements pose a barrier to support by such people. In one county with a rapidly growing small city and many small farms, the planning consultants proposed a zoning ordinance modeled on one used half a continent away in a county which was rapidly becoming

wholly urban. The suggested ordinance was very long and highly detailed. People who were described as "leaning" toward support for zoning kept asking, "Why do we need a zoning ordinance like this?" The consultants' standard reply was "it is good, it has been tried and worked there. It provides for everything." This answer didn't make sense to the local people. Gradually they moved over to the opposition, and zoning wasn't adopted.

Others must have a demonstration of why land use regulations are needed before they will back zoning. One planner who was conducting a series of meetings on proposed subdivision regulations was plagued by questions from people who doubted the need for a minimum lot size of 20,000 square feet where septic tanks and private wells would be used. The planning director explained to no avail. Finally, he prepared some tall glass containers, filling one with sand, one with heavy organic river bottom soil, and one with the heavy clay soil which covered most of the county. At the next meeting, he put equal amounts of water in each and let the audience watch the difference between the rapid percolation taking place in the sand and the absorption of the water in only the top few inches of clay. At the end of the demonstration a man who had said, "I don't see why you insist on the lots being so big," commented, "Why didn't you tell us that's the way it works? Are you sure those lots will be big enough to filter that stuff from the septic tanks?"

Not all people who ask "why?" really mean it, but planning and zoning officials should assume that they do. A person who feels that zoning will affect his opportunity to make more money may not say so; he may insist that he will support it if it is only explained to him. Somehow it is never explained satisfactorily! For every such person who rationalizes his opposition in this way, there are dozens who sincerely mean it when they say, "Show me!" Thus, the public employee or public official is obligated to do his best to explain what is proposed and why. We need skeptics to ask questions and keep us on our toes. If we can't tell them why we need to be doing what we are, perhaps we shouldn't be doing it.

Education works both ways. It also means listening to questions and complaints, no matter how trivial or ridiculous they seem. At least some of the opposition by low-income landowners to zoning is due to their past or present experiences with public officials who treat them with contempt or indifference.

Among the opponents of rural zoning, those who say it "doesn't make sense" offer the greatest challenge and the greatest opportunity to professionals and community leaders. They are the skeptics whose question "why?" irritates the person who is convinced of the rightness and logic of his cause. They need more information.

Therefore, the planning period is of the utmost importance to the success of zoning. During this time the "why" of each proposed regulation is answered. Here the small developers learn from the professional planners and, in turn, contribute knowledge of the community, its problem, their businesses, and their problems.

REJECTION OF AUTHORITY

Opposition for this reason is usually clearly expressed. It comes from people who do not want to be coerced or "pushed around" by an external authority. They suspect that an individual or a group outside the community is trying to force something on the community that it doesn't want. All elements and interests in the community should have a chance to present their viewpoints at a preliminary stage. If people first hear of a proposal to zone when it is about to go into effect, they may conclude that someone is trying "to put something over" on them, or they'd have heard about it earlier.

Their resentment may be directed at several targets. It may be aimed at the local governing body ("that courthouse crowd"), the Federal government which provides planning grants ("the bureaucrats in Washington"), the State agency which administers planning grants ("know-it-all's at the State capital"), or local real estate dealers who are supporting planning and zoning ("they're out to make a killing"). It may be aimed at the local planning director who is an appointed "outsider" ("a college boy promoter who thinks the common citizen hasn't any sense").

This kind of opposition is relatively easy to build up through an emotional appeal. Although farm-city relations have improved a great deal in the past 20 years, suspicion still remains in some communities. Thus if a few city residents or busi-

nessmen appear to be the chief supporters of zoning, some rural people will warn, "Watch out! They've always tried to run us and make us pay for it."

The approach used in conducting public hearings may either increase this resistance or dampen it. If people are answered brusquely, if their questions are ridiculed, or if they are ignored, the feeling will probably spread. If planning and discussion of zoning involves all elements of the community, such opposition will not have such fertile soil in which to grow.

BELIEF IN LESS GOVERNMENT

Of all reasons for opposing zoning, the belief that government should not engage in such activity is probably the least important. However, it is a matter of ethics to the people who hold such a belief.

A good many people do hold to the view of limited government. Their ideal is government which provides a minimum of control in its protection of life and property. Most of them probably approve of regulations to protect health, but they draw the line at many restrictions on the use of private property.

This kind of opposition is difficult to identify because other reasons for opposing zoning overlap.

In every community there are a few people who consistently oppose any expansion of government activity, national, State, or local. But not all opponents of the expansion of government join in objecting to zoning. Among the strongest supporters of zoning are businessmen who resist many Federal government programs. They have supported urban planning and zoning. Now, with the movement of homes, retail businesses, and industries to rural areas, they have begun to support zoning in counties and townships. This is due to their interest in strengthening local government and their belief that planning and zoning makes government more efficient and less wasteful.

Where people oppose zoning because they believe strongly that the government should be limited, professionals and lay leaders might try to involve them in planning. After they've participated in a study of the community, they should be offered an opportunity to join with others in setting goals. If a majority agrees on goals, but still believes that private or voluntary action is preferable to governmental, its decision should be respected.

INCENTIVES FOR RURAL ZONING

Rural zoning is a deliberate act. It doesn't "just happen." As with any community or governmental activity, there must be an incentive, a group of supporters, available and adequate decisionmaking channels, and administrative machinery.

THE INTEREST AROUSERS

What situations urge people to consider and support zoning? In general, two kinds of situations seem to stimulate interest: *a formal study* of the community and its physical and human resources, or a *crisis* caused by rapid and perhaps unanticipated changes in the community.

The Formal Study

The most rational and systematic approach to rural zoning is through comprehensive planning which involves all interests of the community. Its physical and human resources can be evaluated and catalogued. This shows up problems needing solutions.

Local planning has been stimulated by the Federal government. County or town planning grants from the Department of Housing and Urban Development (known as "701 grants") have been important. These funds are channeled to the local unit through the State development agency or a State University, which oversees the necessary inventory of community resources. Up to ¾ of the cost of such a study may be paid by the Federal agency.

The Federal government, through such grants, stimulates interest in local community development and perhaps ultimately in zoning. One purpose is to persuade local governments to do what they might not do without the added money. How-

ever, what the local unit does with the knowledge gained from the planning study is its business. At least the decision will be based on information.

Rural Area Development studies may spur other local planning activities. However, these seem to have been less influential in creating rural zoning interest than the more land-use-focused "701" studies.

The Crisis

By far the greatest stimulus to rural zoning has been the crisis situation. It comes in several forms: the suburban intrusion into farming areas; the highway interchange which spawns commercial and residential development; the new recreation facility; the new industry with its increased traffic and possible noise and smoke; new public investment in schools; or the location of an auto graveyard or tavern in a quiet "rurban" neighborhood.

SUBURBAN GROWTH: Suburban sprawl occurs everywhere—from the hills of metropolitan Los Angeles to the rural trading town with fewer than 5,000 people. In both cases there has been a pell-mell rush beyond the city limits. It has been accelerated in the past 20 years by rural electrification, the septic tank, and government-guaranteed financing. It exists in the carefully designed 200-home subdivision and in the half-dozen houses built one by one by a carpenter-contractor.

These subdivisions, leapfrogging across the landscape and existing as islands among operating farms, do not always appear to the farmer as desirable neighbors. Nor do the people in them always accept his mechanized operations as compatible with their views of "quiet country life." They don't like the smell of manure, the late-hour operation of tractors, or wind-blown insecticides. They have sometimes sought and secured ordinances regulating such activities. To the farmer, the growing number of neighbors may mean lowered water tables, sudden floods, polluted streams and ponds, damaged equipment, trampled crops, and harassed livestock.

In some communities, the opening wedge of suburban sprawl is not through the subdivision, but by ribbon development which moves down rural roads one lot deep. Suburban sprawl generally increases both land tax assessment and rates. Farm land sold at higher prices for residential use is soon assessed at a higher valuation. Some assessors then assume that adjacent farm land is worth as much as that which was sold, and they assess it, too, at urban value.

Suburban growth also brings new and expanded demands for government services. With new residents come school-age children and new pressures on schools. In the Northeast and Middle West, the local property tax is the chief support of public schools. Studies show that some lower-priced housing developments do not pay in taxes as much as their added services cost. In addition, many surburban residents soon forget that taxes were one reason for their flight from the city. They now want city services—such as police and fire protection, recreation programs, and garbage and trash disposal. Their solution is to have the county or town or public service district perform them—with added costs for all landowners within the tax district.

Although nonfarm homes have intruded into rural communities in a majority of U.S. counties, the greatest impact has been around the large cities. The spread of houses miles outward from the city limits has stirred alarm among both city people and rural residents. In a few cases the sprawl has been anticipated and measures taken to provide for smoother and more compact development of land. In others, the appearance of surveyors and bulldozers has been the first warning to farmers that their community is changing. Their demand for zoning may be met, but the medicine may arrive too late for that particular illness.

HIGHWAYS: New and improved highways have brought both opportunities and problems to rural communities. The major impact has come from the 41,000-mile Interstate program begun in 1956 and to be completed by 1970.

This network has connected most of our major cities and will eventually enable us to drive from coast to coast without facing a traffic light. As highways cut a wide swath through farmland and forest, they affect not only the operation of the farms which border them, but also their value. The greatest impact, however, has been at the complex interchanges where highways cross. These accumulate service stations, restaurants, and shopping centers. Although access to the Interstate is limited, new commercial developments parallel it and string out along the roads it crosses. Some

big city newspapers now carry ads for exclusive housing developments which are close to an interstate highway, "giving rapid access to downtown."

New highways have changed the face of the land and its uses. People in affected areas hope to see orderly growth. They hope to avoid the intrusion of buildings so located that cars may pull away from them directly into a stream of moving traffic. Limited access laws enacted by the State Legislature help prevent this situation, but so do local zoning ordinances which require setback. Thus new highways spur interest in zoning and what it can do to guide development in a rapidly changing area.

RECREATIONAL FACILITIES: Major changes in America's landscape have been made in the past 30 years by the creation of new lakes and ponds. Where once rivers and streams meandered, dwindled in late summer, and flooded in spring, now hundreds of manmade lakes dot the countryside.

Higher standards of living for Americans, combined with more leisure time, have increased use of existing bodies of water and encouraged the creation of others. Land on the shores of the new lakes has a new potential use and value.

The uses of land around the new lakes are not always compatible. Near some, a developer may advertise 2-acre "estates", with the inducement that they can be further subdivided into 10 lots at a handsome profit. Without either deed restrictions or zoning, those buyers who want privacy soon find themselves in the center of a crowded community. Their investment in a vacation house is jeopardized by substandard and temporary houses and trailers erected on the adjoining postage stamp lots without regard to health or appearance. Other buyers, attracted by a wooded shoreline, buy lakeside lots only to find that the developer is building a commercial beach next door. Commercial amusement parks should have access to some part of the larger lakes, but residential owners should be assured of the location of such activities.

Along our older lakes, similar problems have developed. More people have meant more cottages crowded in among those already there. As one owner and then another dies or sells his property, cottage apartments or trailers squeeze in among single-family homes. If there is no outlet and the surrounding soil and slope are unsuitable to filter the discharge from septic tanks, the lake may become unfit for any human use. Its appearance, which made it so attractive to so many people, has led to its virtual death.

What has happened to many old and new lakes has encouraged interest in protecting owners and users along others. In some areas, enlightened realtors have requested zoning to back up deed restrictions. Elsewhere, elected officials also advocate zoning as one way to prevent pollution.

Other recreational facilities have also increased interest in zoning. Sometimes zoning protects a park or commercial enterprise and, occasionally, protects others from it. Golf courses are welcome as neighbors to residential areas; lighted driving ranges, swimming pools, baseball diamonds, and amusement parks generally are not.

INDUSTRIAL DEVELOPMENT: People in most cities, towns, and communities want new industry. They hope it will provide increased payrolls, markets for services, customers for land, and additional taxes. A new plant or government facility, whether it employs 25 people or 5,000, affects a community's land use, traffic patterns, public services, and commercial and residential development.

Imagine the impact on Putnam County, Ill., with a population of 4,000, when a steel firm proposed to locate a plant employing 5,000 people there! Under such conditions, the uses and values of land change at a fantastic rate. Yet, such an exploding community, once built, is relatively permanent. Misuse of land and harm due to lack of planning are difficult to change and costly.

The arrival of a new industry may cause citizens to try to prevent conflicting uses of land that may prove very costly to the public in future years.

Interest in zoning may also come from the management of the new industry. Their experience elsewhere may have demonstrated that industry itself needs protection from people, as well as the other way around. Thus a corporation which has faced lawsuits by residential neighbors because of its noise and fumes may prefer that its new plant be surrounded by open land or similar industries. One corporation now in Person County, N.C., made adoption of zoning by the county a condition to be met before it moved to the community.

NEW SCHOOLS: The 1950's and 1960's have been characterized by a burst of construction of new public facilities as the "war babies" of the 1940's and infants of the next decade proceeded through school and out into the work force. Such numbers brought pressure on existing institutions, and required new schools, colleges and hospitals.

The growth has been most apparent in educational facilities. Exploding school populations in urbanizing areas have made much school planning obsolete and have forced crash building programs. The declining farm population, combined with migration to small cities and towns, has revived the school consolidation movement. Public universities have grown and established branches. New community colleges and technical schools have been founded.

The setting of established public institutions has usually been well defined in a developed community. Surroundings have not always been attractive and free of nuisance, but the in-town location has more often than not meant the protection of zoning.

Many of the new institutions have been located at the edge of town or even in the open country. In either case, there is room for future expansion. But such new and costly facilities do not long remain in isolation. Their presence invites further development. A new school surrounded by open fields is a natural target for subdividers.

Commercial buildings also spring up around new schools. Whatever the development, it is likely to concern the board of education or board of trustees. They want to protect the students and the building's appearance. Attractive surroundings are important, too. Zoning, by regulating use and density, may help. It can help safety and attendance as well by permitting only parks and residences adjacent to the school.

OTHER CRISES: Many unexpected situations can threaten the appearance, quiet, pure air, real estate value, and "balance" of a community. It may take one of the following forms: A night spot near a church or residential area; a sawmill or similar noisy activity near homes or a school; an auto junkyard next to a residence or a cemetery; billboards appearing along a hitherto unspoiled scenic road; a factory or restaurant which belches smoke or odors near residences; crowded low-cost houses or trailers penetrating a middle or upper income community; the destruction of a scenic lakeshore or valley for commercial uses; and increased pressures on schools because of the exploding growth of new subdivisions or apartments.

Such crises are often dramatic and clearly show the reaction to a drastic change in land use. Those who seek zoning as a remedy are usually closest to the change, but occasionally, the loudest supporters of zoning are people not directly affected but who fear that later changes will hurt them.

Such crises sometimes push people into changing sides in the zoning argument. For instance, the citizen who has consistently opposed any extension of government may switch. He has heard that an industry is moving into the rural community. He wants to keep the community "unspoiled," and zoning which allows no room for industry seems the answer.

Others have more direct concerns. For instance, a family moved from a city to the edge of a small town to "escape city regulations" and "do what we please with our property." When the filling station down on the highway began dragging its cannibalized cars into the field next to their attractive traditional house, they lost their interest in "a man's right to do as he pleases with his own." They demanded that the small town take action!

There are serious disadvantages to crisis support for zoning, although such concern may lead to a better planned community. First, a zoning ordinance passed after an undesirable use has begun can't stop it. (Note the haste to get a building foundation staked out just before a zoning ordinance is to be voted on.) Second, a zoning ordinance passed hastily without study may not fit and may actually hinder logical development. Third, later evidence of mistakes in a hastily passed ordinance may convince some people that zoning can't be done right, and they'll demand repeal. Fourth, some communities, like some people, procrastinate. Having adopted an interim zoning ordinance, they may not get around to planning and systematic amendment. They merely react to requests for rezoning.

However, when an unzoned community is changing rapidly, an emergency ordinance may prevent further gross misuse of land. After enactment, it can be studied, amended, and made to fit the community's land resources, development goals, and needs.

A unique type of crisis which spurs interest in rural zoning is the threat of a municipality to extend its zoning ordinance beyond the city limits. A good many States permit this and it may bring on "defensive zoning." The farmers in the area beyond the city limits protest, "If we're going to be zoned, let the county do it. We don't want city people deciding how we may use our land."

On the other hand, such extraterritorial zoning power of cities has diminished enthusiasm for rural zoning in a few counties. People who have worried about changing land uses around expanding cities have found a way to "let George do it." Rather than go through an educational and promotional campaign to secure county zoning, they let the momentum of urban growth carry city zoning out to the limit permitted (1 to 5 miles.) They console themselves by saying, "That's where the pressure on land use is greatest. Why carry the fight elsewhere?"

CITIZENS AND ZONING

THE CITIZEN LEADER:

Rural zoning requires support to be adopted and administered effectively. Here is a crucial role for the layman who is concerned about his community. The experts—the planners and zoning administrators—can do the technical jobs.

A leader must influence people to do what they otherwise would not do. There are many kinds of leaders: Some are effective in church matters, some in school issues, others in political parties. Such a person is called a situational leader. A very few people seem to be leaders on a wide variety of issues. On a major issue, leadership is almost always shared by many. *Controversial issues such as zoning have leaders on each side.*

A situational leader usually mirrors the views of his followers. Thus it is difficult for a city or small town resident to be a leader of farmers. This is overlooked at times by zealous supporters of rural zoning who make no attempt to secure support in rural communities by enrolling farmers who have the respect of others. Then they are surprised to find either inertia or opposition from farmers and their leaders.

What is the role of a lay leader in getting zoning adopted and maintained?

He may act as an *initiator*. He sees a need that zoning might solve. He talks about it in across-the-fence conversations with neighbors and helps get organized support for it. He may discuss it at local and county meetings or arrange for an impartial speaker who can explain zoning to a few interested people. This gives the local governing body a reason to act. Without some evidence of support from "the people," few governing boards would propose zoning. The person who spurs professionals, government officials and other citizens to think about alternative goals and community needs is filling a vital role.

Next, the role of *supporter*. With the governing body showing interest, and public attention focusing on zoning, some questions and doubts will arise. A few people are perpetual "aginners," but others are just skeptical and demand some evidence. If public hearings are called the supporters should be organized, informed, and prepared. Here is where the person who seems to know what he's talking about and doesn't hestitate to speak up is invaluable.

Other leaders may serve as *advisors* on committees which help inform both the professional planner and the citizen. They may help plan and make recommendations about zoning. Farmers should be on these committees.

If zoning is adopted, the role of *defender and guardian* is important. Zoning administration in the urban fringe and in areas where there is great pressure to change land use is a difficult and complex process. When government regulates an activity where alternative decisions may result in greatly differing selling prices, there is an increasing temptation to bribe or threaten the officials who make the decision.

Not all zoning decisions will be popular. But, if they're reached after impartial study, the people who make them need backing. Many of us complain when government officials make obvious mis-

We can expect a controversial issue to have leaders on each side.

takes or do something which is unethical if not illegal. Do we back them up when they try to follow public policy and in doing so offend some person or group? Many public servants tell the same story, "Try to defend the public interest against a powerful individual or group, and see who is backing whom! There's no one there—you're in the fight alone." The lay leader should provide such backing. Without reasoned and purposeful defense, impartial, efficient zoning administration isn't likely, particularly when the stakes are high.

THE CITIZEN BOARD MEMBER:

A difficult, time consuming, low paying, and almost thankless task falls on the citizen member of a planning board or a zoning board of adjustment. Such members are usually appointed, generally without regard to political affiliation. They supposedly represent the public, although they may, in fact, represent particular interests such as real estate, labor, agriculture, or manufacturing.

A zoning board makes value decisions on community goals and choices, and approves or disapproves the technical recommendations of its staff. It exists to give reasonable flexibility to the zoning ordinance by hearing objections to the administrator's interpretations, and deciding on requests for variances and exceptions. Once zoning is adopted, the conduct of this zoning board of adjustment will build or lose public confidence. Granting a variance from a zoning ordinance may mean a manyfold increase in land value. A difficult but necessary question is "What is in the community's best interest?"

Membership on such boards should be an educational experience. Laymen come in with certain prejudices, some of which disappear after study.

Planning board members must keep themselves informed and stay in charge. Citizen members of boards and commissions tend to be "captured" by their professional staff. The staff has the advantage of specialized know-how, as well as the time and other resources to make studies and recommendations. The lay board member can't be a technical expert, but he needn't be a rubber stamp. He should know his legal responsibilities and read the recommendations sent for his approval. He can be effective if he'll ask the staff the "hard questions." If he does, and they try to answer

them, they can avoid some difficulties later. Planning boards sometimes get bogged down in technical questions and let the professional staff decide value issues. Such a reversal of roles has the wrong people making the decisions.

The lack of zoning does not make a planning board's work wholly ineffective. Such a body is concerned with many matters other than land use. For instance, a planning board may be a good way to coordinate the many activities of county government so that each agency knows what the others are doing and want to do. A planning body may also deal with the interrelationship of education and employment opportunities.

Nevertheless, most concerns of planning bodies eventually return to the problem of where to put things and people—in other words, land use. It isn't unusual to find a planning board member whose study of community problems has changed his position on zoning from opposition to support.

The planning board or zoning commission can greatly influence the governing body. If it fails to recommend rural zoning, members of the governing body may say "The planning board members are our best informed people on zoning. If they don't want it, it probably isn't needed."

THE GOVERNING BODY—CITIZEN POLITICIANS:

Major responsibility for putting rural zoning into effect falls on the local governing body. It may be called the board of county commissioners, the board of supervisors, or the county court. In Louisiana, the police jury governs the parish. In the town and township States of the Middle Atlantic, New England, and Midwest, it's the town or township board. Whatever it's called, the governing body levies taxes, enacts ordinances, and supervises administration within its political boundaries. Its powers are derived from State government and they are generally much more restricted than those of incorporated areas, such as cities. Nevertheless, zoning, as an exercise of the police power of the State, is made effective by act of the local governing body which also appropriates funds to support it. If the county or town governing body doesn't enact a zoning ordinance, there will be no rural zoning.

This body provides the major battleground of those who oppose zoning. Unlike members of the appointed planning and zoning boards, members of a governing body are elected, usually under a party label. Hence, they are also more frankly partisan. However, in many bitter zoning conflicts, the issue has crossed party lines.

An officeholder who hopes to be re-elected to the same or another office will think twice before voting for zoning if the opposition is intense and loud. If by voting for zoning he'll lose a united minority and won't gain support from an equally firm and zealous group, he'll tend to vote "no". If rural zoning seems to benefit both the local community and the elected member of the governing body, he'll be likely to vote for it.

The election of county governing body members on the basis of districts rather than population often means that a majority of them are elected by a minority of the population—people in rural areas. They often oppose zoning. However, in some parts of the nation, the foes of zoning are not farmers but nonfarm rural residents. Federal and State courts have recently held that the Fourteenth Amendment requires "one-man, one-vote" representation in local bodies as well as State legislatures. Thus, future local governing bodies will probably more closely reflect population.

After zoning is approved, the governing body determines how it will be administered. Whether the zoning administrator enforces the ordinance firmly and fairly or inconsistently and laxly, depends largely upon the kind of man the governing body chooses. If it simply appoints someone who is "available", zoning will be relatively ineffective. The adequacy of zoning administration also depends upon the amount of money appropriated.

The governing body shares with the planning board and the zoning board of appeals the unenviable honor of being a pressure point for rezoning pleas. If it approves a zoning ordinance, it may subsequently repeal that act, although this is not often done. Amending the ordinance is the method provided by law for major changes. The planning board hears proposed amendments and makes a recommendation to the governing body which either formally changes the zoning ordinance or refuses to do so.

Rezoning by amendment or the granting of variances or exceptions is not necessarily unwise,

illegal, or dishonest as some people seem to think. A zoning ordinance which approves certain patterns of land use cannot be maintained without change for long periods in a dynamic society. However, the requests for such changes, whether coming from private interests or from the planning board, should be discussed openly. Zoning is a matter of public law and the public's business. There may be great pressure from both sides at a rezoning hearing. This shouldn't surprise us—the stakes may be high, financially or emotionally. Out of such hearings may emerge improvements in land use, and citizens who have a better understanding of zoning. At any rate, the governing body that enacted the zoning ordinance is the logical group to be responsible for major changes. Beyond it, a dissatisfied individual can appeal to the courts.

PROFESSIONALS AND ZONING

Many kinds of experts are important to the adoption and successful administration of rural zoning. The more complex the economic and social base of the community, the more varied are the jobs to be done. For instance, a county with an expanding city of 30,000 amid large farms doesn't have the pressure and land use problems of three adjoining counties containing two large reservoirs, an interstate highway, and a metropolis of 200,000. As with other problems of the mid-Twentieth Century, specialists have emerged to cope with them.

THE PLANNING DIRECTOR:

Enabling legislation usually permits the planning board to employ or to contract for assistance. Some States give this power to the governing body. Whichever body makes the appointment should set high standards for the position and should recruit widely. It's better to have a first-rate man, even if he moves on to a bigger job in a year or two, than someone whose major recommendation is that he's available.

More populous counties and towns may have a planning director. Usually this planning board appointee will have at least 2 years of specialized education beyond the bachelor's degree. His staff may range from a draftsman and a secretary to a group which includes a statistician, traffic engineer, economist, some planning aides, and several draftsmen. He is expected to be able to bring together information from many public agencies and private firms and project it 10, 20, and even 30 years ahead. In this connection, he asks himself and others, "Where are we going?" He then asks the community "Where do we want to go?" A community that wants to emphasize recreation and tourism obviously will make different use of land than one that hopes to develop industry.

The less populous, less wealthy county or town doesn't need and can't afford a full-time director and staff. It may contract, perhaps aided by a "701" grant, with a private consulting firm or a State agency or university. Another alternative is for several towns or counties to appoint a planning director to serve all.

The planning expert's function is to know what information to look for, where to get it, and what it means. He needs help from citizens of the community who can provide him with both information and values. Their joint endeavors may produce a master plan. This kind of plan is no longer considered sacred and unchanging, but should be altered as conditions change.

No planner will claim that he can predict with complete accuracy how a community will grow. He can only project trends based upon different assumptions. Changes in technology and the allocation of resources from private and governmental sources may mean radical changes in a community. It may grow explosively or it may wither away. Many planners believe that the planning *process*, involving many people and interests on a continuing basis, is much more important than a paper plan.

THE ZONING ADMINISTRATOR:

Once rural zoning is adopted, a zoning administrator is needed to make it effective. He reviews applications for building and occupancy permits,

inspects for compliance with the zoning ordinance, investigates reported violations, keeps the zoning map and ordinance current, and communicates zoning information to interested citizens.

What are the qualities of a good zoning administrator? He must understand zoning and be competent to handle it. If he isn't a professional planner, he can get the knowledge by attending a short course given by most State universities. If this isn't available, he'll have to rely on the harder "do-it-yourself" approach—reading books and publications on zoning and talking to competent zoning administrators.

Many county officials already have knowledge and competence which they can build upon. The highway supervisor or the building inspector often serves as zoning administrator. Occasionally a county clerk or tax official has interest in this area and can do it. A layman who has had experience in real estate might be a good appointee. In governmental units containing a large urban center, zoning administration is a full-time job.

Where the township is responsible for administering zoning laws, the problem of finding a competent official is much greater. This may be the greatest defect of township zoning as contrasted to county zoning.

The zoning administrator needs both time to do the job and a system for doing it. A county official who is already drowning in a sea of paperwork doesn't need a job which requires both field and office work. However, time isn't enough. Because zoning deals with private property rights, decisions must be backed up with records. Minutes of meetings have to be kept and organized in the event of appeal. Failure to keep adequate records is one of the major problems of zoning administration.

The success of a zoning administrator depends on his attitude toward zoning. This may be a problem of the part-time county or town employee. For instance, one county board appointed a relative of one of its members to be zoning administrator. He did not believe zoning important. In his first 6 months on the job, he "overlooked" five flagrant zoning violations. The effect was that two of the strongest farmer supporters of zoning in that county said in disgust that they'd rather see the ordinance repealed than administered so poorly.

The zoning administrator shouldn't use zoning as a weapon to harass marginal offenders. Neither should he try to be a "good fellow" and overlook flagrant violations. Above all, a zoning ordinance should be enforced with fairness and consistency.

Zoning administration is one activity which, if not done well, might as well not be done at all. Mistakes and inequities in some other government regulatory activities aren't so visible, but those in zoning show!

LEGAL ADVISOR:

The use of zoning to regulate private property makes the services of an attorney needed before the governing body votes to undertake zoning. The need continues as long as zoning is in effect. Matters of procedure, selection and eligibility of officers, conduct of public hearings, and notices of violations and action taken are but a few aspects of zoning activity which must conform to legal requirements. Failure to do so may jeopardize the administration of the ordinance. The handling of appeals is a particularly sensitive area, as the person who is appealing may carry his case to court if his plea is denied. His chance of winning is better if the board of appeals did not follow the proper procedure or did not maintain a verbatim record.

Usually legal advice to planning and zoning bodies is provided by the county or town attorney. Some zoning boards have had to employ their own attorney. They should not proceed without one.

AGRICULTURAL EXPERTS:

Since we are primarily concerned with rural zoning, we should note the importance of those who can provide information about agriculture and its interests. The education of many planning directors has emphasized an urban environment, and some planners have neglected sources of essential information about rural areas.

A primary source is the district office of the Soil Conservation Service, which has a nationwide soil survey in process. Its information is particularly useful in helping to determine the feasibility of septic tanks, the minimum lot size if both wells and septic tanks are used, the comparative value of land for agricultural production, and the frequency and intensity of floods.

Another agricultural expert is the county agent or farm advisor of the Cooperative Extension Service. He is a source of information about the county's farmers—their income sources, resources, leaders, and their values and goals. As a public educator, the county agent is obliged to present impartial and unbiased information.

A very few have refused to touch the issue of rural zoning, saying "it's too controversial." Most are willing to conduct educational meetings, but in a good many States they are handicapped by not having a specialist at the State level to train them or to conduct meetings on zoning.

Finally, there are farm organizations which serve and represent farmers. The Grange, Farm Bureau, Farmers Union, commodity associations, and cooperatives may all speak for their members concerning resources and objectives. It's normal for different farm interests to disagree at times, just as there may be internal disagreements in other groups.

THE LAW AND ZONING

The use of a State's police power by local units of government is determined and regulated by the State's constitution and its statutes. The latter are particularly important for zoning.

Most States provide specifically for the structure, powers, and procedures of rural zoning in *general enabling legislation*. This legislation applies to all specified local government bodies and permits them to proceed without further reference to the legislature. Such general legislation sets limits on the boundaries of the area to be zoned. In contrast is the *special legislation* approach where no county may zone until the State legislature passes a special act permitting it to do so.

The State statutes set the boundaries within which local governing bodies may act and also predetermine where any political contest over zoning takes place. The special act approach moves the controversy to the halls of the State legislature.

The size of the area to be zoned has a great deal to do with its approval or defeat of zoning. The kind of crisis situation which precipitates zoning interest and support is often fairly localized. Thus people in a small area, who feel threatened by lack of zoning, have the task of convincing others not yet threatened that all need protection. This is not easy. Permission to zone an area smaller than an entire county probably results in more zoning than if the entire county or township must be a zoning unit. Such piecemeal zoning minimizes the opposition by leaving out the property of the most strenuous objectors. New York State has reduced the problem of opposition to zoning by the use of *petition zoning*. Property owners who wish to have zoning protection may request it from the town board. Following a public hearing, it may be put into effect on the property of those who desire it.

There are disadvantages to the "local area" approach:

- If several small units zone separately, their zoning districts may not match at the boundaries, and some system of coordinating them has to be devised.
- Small units have difficulty in getting competent zoning administrators.
- Zoning of one small unit may mean a "spill-over" of "crisis-causing" activities into other small units, so that each in turn responds to spreading problems rather than anticipating and averting them.
- Small unit zoning in a metropolitan area may nullify regional planning efforts.
- Petition zoning protects people only from themselves, not from their neighbors who refuse to participate.

The conditions under which zoning may be put into effect are not necessarily permanent. They have been established by the State legislature and may be changed by that body. Such changes may make it easier or harder to put rural zoning into effect.

State statutes also affect the zoning of rural areas when they grant incorporated communities authority to zone beyond their boundaries. Known as *extraterritorial jurisdiction*, it usually ranges from 1 to 5 miles. The justification is that the land beyond the city limits will eventually be settled

and annexed to the city. Thus the width and layout of its streets, the size of its water lines, its sanitation system, the arrangement of its lots, and their size are all legitimate concerns of the adjoining municipality.

Extraterritorial zoning may include a good many farms under its regulation. This zoning, by regulating land which is under greatest pressure to change uses, may reduce support for rural zoning in communities away from the city limits.

EDUCATION FOR ZONING

Education is important, since the use of zoning is not widely accepted outside of cities. As a controversial issue, zoning should be studied by its supporters and its opponents alike.

If you are an educator, your task is not to "sell" people on zoning. Perhaps your job is harder—to encourage people of all socioeconomic levels and occupations to help survey their community and define its goals. The tools they select to achieve these goals may or may not include zoning. It is important that citizens identify their problems and choose solutions themselves.

Too many people start with a solution—zoning—when many others haven't even noticed a problem exists.

With rural zoning becoming more of an issue, people need objective information to make more rational choices.

Few people ever encounter such information during their formal education. An increasing number—members of farm organizations, community development associations, the League of Women Voters, and various local groups—have sometimes studied planning and zoning as part of their education in public affairs.

Most people gather such knowledge rather unsystematically from a variety of sources. All too often there is no impartially assembled information available to them.

Newspapers or magazines publish infrequent articles on zoning. Such features serve more to stimulate interest than to provide local application. Farm organization publications and farm magazines have been running more articles on zoning in recent years. Many people get information, some of it biased, from friends, neighbors, and even chance acquaintances.

Probably the most successful method of getting zoning information is through an adult education program. It may be organized and conducted by a county agent, a vocational agriculture teacher, or a community college. Such formal programs, which may include only one 2-hour meeting or a series of one-night meetings running through several weeks, may result from a local "crisis" or merely be one of several topics of interest selected by the class and the teachers.

A problem for the instructor and the class is "who is the expert?" For the person conducting the class, locating printed material and a competent speaker is crucial. In a few States, the State agency administering "701" grants gives assistance, but this is more likely to be viewed as promotional rather than educational. If planning and zoning studies are under way and a private consulting firm is employed, a consultant is a useful source of information. However, the private consultant, an expert in his own field, has two strikes against him as an educator. First, he cannot spend much time with local people, answering and reanswering questions. Second, his audiences may suspect his objectivity. They see his role as that of "selling."

Where we find strong and respected educational programs we usually find that the State Cooperative Extension Service has made studies, has specialists to train county agents, and has produced and distributed informational material. Such a program began at the University of Wisconsin in the 1930's.

Other States have added specialists in different areas to work on rural land use problems. Ideally, a university would have a team of experts from different fields such as soil science, landscape architecture, economics, law, sociology, community planning, engineering and political science. With scarce resources, most institutions have an expert in one of these areas to cover the entire field.

The specialists' role may be twofold: To educate county agents and local teachers in the complexities of planning and zoning; and to act as a visiting instructor for classes assembled by county agents. State workshops and conferences on planning and zoning have been held for county agents in several States.

Even with a good training program, adequate knowledge, and informative publications, the county agent faces several problems.

(1) *Objectivity.* Many rural people are suspicious of the word "zoning" and suspect anyone who even proposes to teach anything about it. An experienced agent commented, ". . . it is difficult to conduct educational programs in this area without the image of promotion." It is a challenge, but many Extension workers have met it or tried to.

Objectivity includes more than "Here are the arguments for zoning; here are those against it." It also requires leading people to ask a hundred questions about their community. Where it has been and where it is going, what its resources and problems are, and whether or not they wish to become actively involved in guiding its future. Some local discussion leaders have focused on zoning rather than on the community. By spending too much time in "telling" and not enough in asking questions, they presented themselves as promoters rather than as impartial educators.

(2) *Attitude.* Many people are not interested in learning about zoning until the issue becomes "live." Then they quickly line up for and against. Some view educational meetings as places where they can denounce the other side, build up support, and generally "blow off steam." Those who have their minds made up will not listen or consider alternatives, and those who came to learn will not stay in an uproar.

When people have already made up their minds, one way to get them to study the issue is to appoint them to a board so that they must get involved. In several instances, opponents of planning and zoning have become converted to it after spending several months on planning studies. On the other hand, one strong supporter of zoning whose service on a board of appeals showed him the effects of biased administration concluded that if this was the way the political system of that county worked, the community would be better off without zoning!

(3) *Attendance.* This is the most frequent problem for educators. Often, few people turn out to learn about zoning. This shows inertia and lack of need. People ask, "Zoning? Why do we need to know about it?" This is partly the result of providing answers for which people have no questions. They are not ready to begin learning about zoning because it has no real meaning to them.

(4) *Timing.* This is not only a question of when people are ready to learn, but also of other factors. Urban renewal controversies in cities, for instance, have spilled over into rural zoning meetings until the two were thoroughly confused. As one county agent said, "It was like a backlash in a fishing line. After the urban renewal fight broke out, it became entangled with rural zoning, and we never were able to explain that they were not the same thing."

Other matters which have become confused with rural zoning are reassessment of property for tax purposes and changing of school district lines. Particularly when such matters have become controversial issues, their unpopular aspects have "rubbed off" on new topics. The people who are defeated on such issues are inclined to try to get even by opposing the next local program that emerges.

The best time is not always available, but educational programs on planning and zoning should steer clear of other local controversies, if possible.

An educational program about zoning is not a one-time or even 6-months thing. It is continuous and it is needed as much in a county which has adopted zoning as in one still considering it. Communities, conditions, and people change. People's need to understand what is happening around them and what they can do about it goes on and on.

However, don't let a perpetual educational program become a substitute for a community's decision.

WHAT'S AHEAD FOR RURAL ZONING?

As a planning tool and a guide to land use, rural zoning is in its fourth decade. Although widely used in some States, it has had grudging acceptance at best in many others. Even where it has been adopted, it has often been administered on a half-hearted basis. Yet, where rural zoning has been strongly supported by officials and administered without fear or favor, it enjoys the respect of the community.

Dire prophecies of population growth, crowded land, and other complex problems have been assailing us for years. Their urgency is increasing.

The gross misuse of our natural resources, particularly land and water, is visible all around us. So are incompatible uses of land with their high remedial costs. We should learn from our mistakes.

Land use depends on demand and supply. A continued upsurge in population will increase the demand. However, what the demand is for may shift. The desire for a single family house on a sizable lot, for instance, may change to a preference for town houses which use much less land. We know that demand can be influenced by the supply and the supplier. The Federal government may also be influential through the standards imposed on its guaranteed loans.

The steady population increase will be more reason to support planning and zoning. Urban growth may be somewhat contained, but undoubtedly will spread through the countryside. Behind it will be pleasant and relatively self-sufficient communities, as well as dissatisfied suburbanites and unhappy farmers. Growing population pressure will overcrowd many recreational facilities, but it will also supply the incentive to plan and manage new facilities more effectively. Small crises will continue to pop up, but it is doubtful that many people will observe their collective impact.

Rural zoning can be most effective in slowing down or containing urban sprawl if it is used along with subdivision regulations, building codes, property tax policies, and health regulations to carry out careful planning. A major factor in encouraging or discouraging suburban growth will be community plans to extend or develop water and sanitary systems.

The use of planning and zoning by counties, towns, and townships which are still largely rural won't be enough by itself, however. The kinds of decisions that communities will have to make and administer under great pressure will require the best professional help available.

Many communities will be annexed to adjacent incorporated municipalities. At that time, if not before, most will come under urban zoning ordinances. This can't make up for a previous lack of planning and zoning, however. Existing incompatible uses must be allowed to continue.

Some operating farms will probably be swept in and be hampered by both municipal zoning ordinances and health regulations. For farmers, worst of all may be heavy water or sewer assessments levied on frontage or acreage or both.

Concentrating people in and around metropolitan areas will produce many more units of local government. These new municipalities and special purpose districts will further diffuse and splinter the institutions and power of local government unless State governments take decisive action. This doesn't mean that a metropolitan community should be governed by only one city. However, creating rings of municipalities with a few hundred to a few thousand residents poses enormous problems in coordinating traffic, safety, and health functions, to say nothing of land use. The trend toward more and smaller units can be slowed if State legislatures tighten the laws regulating the granting of city charters and liberalize the statutes on annexation procedures.

Most of these new or enlarged municipalities will have the power to plan and zone. The time they need it most, early in their development, is when they are hardest pressed financially. Since such activities get a low priority at budget-making time, the tendency will be to underfinance them. This deficiency may be partly offset by continued Federal planning grants.

Even without a substantial increase in the number of local governments, more intergovernmental coordination of all activities and regulations affecting land use is essential, especially in metropolitan areas. When many small units are in-

volved, competition tends to drive regulation down to the lowest possible level. Area or regional planning can be nullified when any one of many units may veto any application of the plan. Hence, metropolitan or regional planning may be followed by the creation of a metropolitan zoning authority, if not complete metropolitan government.

More integration of all public activities affecting land use is needed. Tax assessment, planning, zoning, subdivision regulations, building codes, and the building of transportation, water, and sewer systems may easily operate at cross purposes unless they are linked together in a communication and decisionmaking system. Educational and recreational systems also need to be related to these other activities. This should happen first within each governmental unit. Next, at least for communication purposes, it should cross local boundaries.

In the future, we can expect more communities to seek to be self-sufficient and to include residential, commercial, and industrial areas. Industry is important, not only to provide employment, but also to share the property tax burden. Its exclusion in the past has not always been intentional, although some suburbs preferred to be "bedroom communities" for a large city. Zoning, whether rural or urban, has been at fault when no land was reserved for industrial use.

Cumulative zoning may be gradually replaced by *exclusive zoning*. Cumulative zoning was developed on the assumption that residential use of land was the "highest" use and should receive the most protection. At the other extreme was industrial use. Thus an industrial zone might contain or accumulate not only factories, but houses, offices, and retail stores. Since land zoned for industrial use is seldom developed all at once, all other uses compete for that land. For current use they can outbid an industrial offer for future use, so industry often winds up on only a small part of the land zoned for it.

Exclusive zoning seems to offer more hope of balanced development. Industrial land requirements are rather specific: easy access to transportation and utilities, and distance from neighbors (either other factories or residences). Unless a community can provide good industrial building sites with room for expansion, residential taxpayers may have to carry the property tax burden alone. An exclusive zoning district may permit several specific related uses, but doesn't assume that one is "higher" than another. Thus it doesn't let "higher" uses pyramid within an industrial district. An advantage of exclusive zoning is that it is simple to administer.

Changed operating methods in commerce and industry may make *performance standards* the key to rationing land among competing uses and introduce more flexibility. Such standards, based on how much noise, heat, fumes, and traffic a particular land use generates and the hours it operates, are a more reasonable test of its desirability or undesirability as a neighbor than what it is called. Many light industries would be more compatible on the fringe of a residential area than a drive-in restaurant or filling station. Such standards would be more useful to a changing rural community with little to guide it than traditional definitions of use. The disadvantage—it takes experts to administer performance standards.

Cluster zoning has recently come into use to provide more open space in housing developments and will probably continue to be used. It retains density standards, but permits rearrangement of buildings and lots. Instead of a community with all houses on large lots and no general recreational space, it permits much smaller individual lots but allocates the "saved" space to the community in the form of a park or common.

Further ahead may be the development of "*quality*" *zoning* districts. Here a community would have fewer restrictions on uses and allow greater flexibility. Insulation or buffering could be required to separate uses which would clash if they met abruptly. They would permit a small businessman to run his business out of his home. However, he couldn't park trucks all over the yard and scatter leftover equipment and materials around. He'd have to meet certain standards, perhaps including screening of his premises by a solid fence or hedge.

This is perhaps the most practical approach to esthetic zoning. The growing interest in beautification indicates dissatisfaction with the ugliness so apparent in both rural and urban areas. Nevertheless the most widespread use of esthetic zoning has been in banning billboards. Residential zoning has not eliminated the row-on-row box-like same-

ness of many residential subdivisions. "Look-alike" prohibitions have helped, but every second or third house is still identical.

Data processing has already been pressed into the service of planning and zoning. As local governments shift to automated systems, planners can get the basic up-to-date information on land use, population, structures, traffic flow, and other relevant factors that they need from these data banks. Thus they can secure a dynamic picture of the community, rather than a static one.

The completely planned city, absorbing thousands of acres of rural land, might seem to make rural zoning unnecessary. We are seeing them develop at Reston, Va.; Columbia, Md.; and Irvine, Calif. Built on a massive yet carefully designed scale, they presumably provide a balanced yet livable community. Once the city comes into existence, of course, it is likely that urban zoning will be instituted. Communities of this type require huge resources of capital, management, and land. Accumulating enough land (perhaps 15,000 acres) is a major problem. Hence most new housing will continue to be provided by many competing land developers and builders. Without some sort of coordination, they may do a good job individually but a poor one for a community.

The major "problems" of rural land use and its regulation are not technical. They are human problems of understanding and acceptance. Educational programs at the local level are important. The professionals who conduct them need to understand what planning and land use controls are all about. Their information will have to come from the State or regional level. State Extension specialists, university professionals, private firms, and state planners can all help. Publications will be useful, but intensive workships and conferences are essential.

Wider use of planning and land use controls will depend heavily on local leadership. People will have to take the time to become informed of the alternative approaches to managing their community's resources. Some will need to serve on governing, planning, and zoning boards. Unless they stand up for rational approaches to land use, a major resource will continue to be wasted and the quality of our environment will deteriorate as more and more people crowd into urbanizing areas. We don't want complete uniformity, and we can't expect all communities to become involved in determining and guiding their future. If we are fortunate, however, a great many shall.

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